

UNITED STATES BANKRUPTCY COURT
DISTRICT OF DELAWARE

In re:)
RS FIT NW LLC,) Chapter 11
Debtor.) Case No. 20-11568 (TMH)
) (Jointly Administered)

24 HOUR FITNESS WORLDWIDE, INC.,)
Plaintiff,)
v.)
CONTINENTAL CASUALTY COMPANY;) Adv. Pro. No. 20-51051 (TMH)
ENDURANCE AMERICAN SPECIALTY)
INSURANCE COMPANY; STARR SURPLUS)
LINES INSURANCE COMPANY; ALLIANZ)
GLOBAL RISKS US INSURANCE COMPANY;)
LIBERTY MUTUAL INSURANCE COMPANY;)
BEAZLEY-LLOYD'S SYNDICATES 2623/623;)
ALLIED WORLD NATIONAL ASSURANCE)
COMPANY; QBE SPECIALTY INSURANCE)
COMPANY; and GENERAL SECURITY)
INDEMNITY COMPANY OF ARIZONA,)
Defendants.)

)

**DECLARATION OF T. CONNOR O'CARROLL IN SUPPORT OF PLAINTIFF 24
HOUR FITNESS WORLDWIDE, INC.'S OPPOSITION TO INSURERS' MOTION TO
EXCLUDE DR. CARNETHON'S PROPOSED EXPERT TESTIMONY**

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WORLDWIDE, INC.

DECLARATION OF T. CONNOR O'CARROLL

I, T. Connor O'Carroll, state as follows:

1. I am an attorney at the firm of Reed Smith LLP ("Reed Smith") licensed to practice in the State of California. I am also admitted *pro hac vice* to practice before this Court in this action. Reed Smith is counsel of record for Plaintiff 24 Hour Fitness Worldwide, Inc. ("24 Hour" or "Plaintiff") in this case.

2. I submit this declaration in support of Plaintiff 24 Hour's Opposition to Property Insurer Defendants' Motion to Exclude Dr. Carnethon's Proposed Expert Testimony. The matters set forth herein are based on personal knowledge and if called as a witness I could and would competently testify thereto.

3. Attached to 24 Hour's Appendix in support of this Motion at **Exhibit 1** is a true and correct copy of Dr. Mercedes Carnethon's Expert Report submitted on behalf of 24 Hour.

4. Attached to 24 Hour's Appendix in support of this Motion at **Exhibit 2** is a true and correct copy of Dr. Allison Stock's Expert Report submitted on behalf of the defendants.

5. Attached to 24 Hour's Appendix in support of this Motion at **Exhibit 3** is a true and correct copy of Dr. Alexis Sauer-Budge's Expert Report submitted on behalf of the defendants.

6. Attached to 24 Hour's Appendix in support of this Motion at **Exhibit 4** is a true and correct copy of certain excerpts from the transcript of the Deposition of Dr. Mercedes Carnethon taken in this action on August 16, 2023.

7. Attached to 24 Hour's Appendix in support of this Motion at **Exhibit 5** is a true and correct copy of certain excerpts from the transcript of the Deposition of Dr. Allison Stock taken in this action on August 22, 2023.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on this 9th day of February, 2024, in San Francisco, CA.



T. Connor O'Carroll